

EXHIBIT 1

Edinburg Police Department

Detail

Print Date/Time: 01/10/2014 09:35
 Login ID: edpd0844
 Case Number: 2004-00023227

ORI Number: Edinburg Police Department
 TX1080400

Case Details:

Case Number:	2004-00023227	Incident Type:	Assault-Simple/No Injury
Location:	W CANTON RD / S SUGAR RD Edinburg, TX	Occured From:	07/12/2004 17:10
		Occured Thru:	07/12/2004 17:10
		Reported Date:	07/12/2004 17:10 Monday
Reporting Officer ID:	0577-Ruiz	Status:	Closed by Adult
Disposition:	Closed by Adult Arrest	Disposition Date:	07/13/2004 Arrest
			Status Date: 07/13/2004

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time
0622-Vega	07/13/2004 00:00	Completed/Closed Case	0508-Gonzalez	

Offenses

No.	Group/ORI	Crime Code	Statute	Description		Counts
1	State	0013B	PC 22.01(A)(1)(A)	Assault - AM (Bodily Injury/Family)		1
2	State	00290	PC 28.03(b)(2)	Criminal Mischief - BM		1

Offense # 1

Group/ORI:	State	Crime Code:	0013B	Statute:	PC 22.01(A)(1)(A)	Counts:	1	Attempt/ Commit Code:	Commit
Description:								Offense Date:	07/12/2004
Domestic Code:									

Assault - AM (Bodily Injury/Family)

Yes (Conv, Do not Use)

Gang Related: No

of Adults: 2 IBR Seq. No: 1

Offender Suspected of Using

Alcohol:	No	Victim Suspected of Using
Drugs:	No	Alcohol: No

Drugs:	No
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Offense # 2

Group/ORI:	State	Crime Code:	00290	Statute:	PC 28.03(b)(2)	Counts:	1	Attempt/ Commit Code:	Commit
Description:								Offense Date:	07/12/2004

Criminal Mischief - BM

IBR Seq. No: 2

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Witness	1	GONZALEZ, MARIA RIOS	1610 S 18TH EDINBURG, TX 78539	(956)383-5947	White Hispanic	Female	12/08/1954
Victim	1	BETANCOURT, SALINA	500 S HILLSIDE DR #308 BEEVILLE, TX 78102	(361)358-5133	White Hispanic	Female	49 02/05/1977
Suspect	1	MARTINEZ, HECTOR	500 S HILLSIDE BEEVILLE, TX 78102	(956)638-2321	White Hispanic	Male	27 10/09/1969

RELEASED
JAN 10 2014

EDINBURG P.D.
RECORDS
BY: N. G. Nantz

EXHIBIT 2

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Subject # 1-Witness

Primary: No
 Name: GONZALEZ, MARIA RIOS
 Address: 1610 S 18TH
 EDINBURG TX 78539
 Primary Phone: (956)383-5947
 Statement Type: Written

Race: White Hispanic	Sex: Female	DOB: 12/08/1954
Height: 5ft 7in	Weight: 140.0 lbs.	
Eyes: Brown	Hair: Brown	Age: 49
DVL #: 06442660		State: TX

Subject # 1-Victim

Primary: Yes
 Name: BETANCOURT, SALINA
 Address: 500 S HILLSIDE DR #306
 BEEVILLE TX 78102
 Primary Phone: (361)358-5133
 Statement Type: Written

Victim Type: Individual	DOB: 02/05/1977
Race: White Hispanic	Sex: Female
Height: 5ft 0in	Weight: 135.0 lbs.
Eyes: Brown	Hair: Brown
SSN: 463-83-7514	DVL #: 16148403
State: TX	

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	0013B	PC 22.01(A)(1)(A)	Assault - AM (Bodily Injury/Family)

Victim/Offender RelationshipInjury Types

Apparent Minor Injury

Subject # 1-Suspect

Primary: Yes
 Name: MARTINEZ, HECTOR
 Address: 500 S HILLSIDE
 BEEVILLE TX 78102
 Primary Phone: (956)638-2321

Race: White Hispanic	Sex: Male	DOB: 10/09/1969
Height: 5ft 10in	Weight: 230.0 lbs.	Build: Heavy
Eyes: Brown	Hair: Brown	Age: 34
SSN: 549-31-7190	DVL #: 04296755	State: TX

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	00290	PC 28.03(b)(2)	Criminal Mischief - BM
State	0013B	PC 22.01(A)(1)(A)	Assault - AM (Bodily Injury/Family)

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
000000000146A	MARTINEZ, HECTOR	1201 HUNTERCHASE 78539	07/12/2004 17:22	At the Scene or On View	0

EXHIBIT 3



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Arrest # 00000000146 A

Name:	MARTINEZ, HECTOR	Date/Time:	07/12/2004 17:22	Type:	At the Scene or On View	Status:	In Custody
Address:	500 S HILLSIDE BEEVILLE, TX 78102	Race:	White Hispanic	Sex:	Male	DOB:	10/09/1969
Phone:	(956)638-2321	Height:	5ft 10in	Weight:	230.0 lbs.	Build:	Heavy
		Eyes:	Brown	Hair:	Brown		
		SSN:	549-31-7190	DVL#:	04296755		

Scars, Marks, Tattoos

	Type	Location	Description
Tattoo	Tribal Band	Tattoo Arm, Left	
Tattoo	Flowers/Pla nts	Tattoo Arm, Right	
Tattoo	Religious	Tattoo Back	

Location: 1201 HUNTERCHASE
78539

Miranda ID: 0577-Ruiz Miranda Date/Time: 07/12/2004 17:22

Age at Arrest: 0
 Arrest Result Of: Criminal Activity-Non
-Observed

Arresting Officers	Bureau	School Resource Officer
0577-Ruiz	Patrol Division	No
0666-Beltran	Patrol Division	No

Associated Numbers

Warrant ORI: TX1080400
 Booking ORI: TX1080400 Booking Number: 2004-00000110
 Court ORI: TX1080400

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
1	State	00290	PC 28.03(b)(2)	Criminal Mischief - BM
Counts:	1		Charge Date/Time: 07/12/2004 17:22	Attempt/Commit: Commit
Other ORI:	No			

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
2	State	0013B	PC 22.01(a)(1)	Assault - AM (Bodily Injury)
Counts:	1		Charge Date/Time: 07/12/2004 17:22	Attempt/Commit: Commit
Other ORI:	No			

PropertyVehicles

3011MARY-VEGA219
 AS400 NARRATIVE FOR CASE # 200400023227

TX1080400

Created 2004/08/09 By EDPD0622 - Joe Vega

EXHIBIT 4

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Last Changed 2004/08/09 By EDPD0622 - Joe Vega

ON TUESDAY 7/13/04 AT 10:00 A.M., I, DET. VEGA, J.G. 219
FAMILIARIZED MYSELF WITH AN ARREST REPORT WRITTEN BY OFC. J. F.
RUIZ 152. OFC. RUIZ ARRESTED 34 YEAR-OLD HECTOR MARTINEZ AND
CHARGED HIM WITH CLASS "A" MISDEMEANOR ASSAULT AND CLASS "B"
MISDEMEANOR CRIMINAL MISCHIEF (REFER TO CASE # 04-23227 FOR MORE
DETAILS).

ON THIS SAME DAY AT 11:45 A.M., I MET WITH THE VICTIM, SALINA
BETANCOURT (2/5/77) AT THE EDINBURG POLICE DEPARTMENT. SHE PROVIDED
A SWORN STATEMENT INDICATING THAT SHE WANTED TO FILE CHARGES
AGAINST HER LIVE IN BOYFRIEND HECTOR MARTINEZ FOR ASSAULTING HER.
ACCORDING TO SALINA, WHILE ON THEIR WAY BACK FROM CHILI'S IN
MCALLEN TO EDINBURG HECTOR AND SHE BEGAN TO ARGUE. SHE EXPLAINED
THAT WHILE ON THEIR WAY TO HIS SISTER'S HOUSE IN EDINBURG HE
GRABBED HER THROAT AND STARTED TO CHOKES HER.
SHE SAID THAT HE WOULDN'T LET GO AND SHE TRIED TO DEFEND HERSELF
BY HITTING AND KICKING BACK. EVENTUALLY HE STOPPED BUT THEN PULLED
OVER TO THE SIDE OF THE ROAD AT CANTON AND SUGAR AND BEGAN TO
ASSAULT HER AGAIN. SHE SAID THAT HE PUSHED HER OFF THE TRUCK THEN
STOOD OVER HER AND PINNED HER TO THE GROUND BY HER THROAT AND ARMS
WHICH CAUSED HER TO FEEL PAIN AND DISCOMFORT. I ASKED HER IF ANY
PICTURES WERE TAKEN AND SHE SAID THAT THERE HAD BEEN SOME PICTURES
TAKEN. SHE DESCRIBED SERGEANT DUFFNER AS THE OFFICER THAT TOOK
PHOTOGRAPHS OF HER INJURIES AT THE SCENE.

I OBSERVED A SMALL BRUISE A BIT BIGGER THAN A TWENTY-FIVE CENT PIECE
ON HER RIGHT FOREARM. I ALSO NOTICED THAT SHE HAD SEVERAL FINGER
NAIL MARKS ON THE RIGHT AREA OF HER THROAT. I ALSO NOTICED A COUPLE
OF BRUISES ON THE UPPER INNER PORTION OF HER LEFT ARM. I TOOK
PICTURES OF THE SAID INJURIES WITH CID DIGITAL CAMERA # 3.

ON TUESDAY 7/13/04 AT 4:20 P.M., A COMPLAINT WAS SIGNED AGAINST
HECTOR MARTINEZ FOR ASSAULT (AM) AND CRIMINAL MISCHIEF (BM) BEFORE
EDINBURG MUNICIPAL JUDGE TORIBIO "TERRY" PALACIOS OF EDINBURG,
HIDALGO COUNTY, TEXAS. JUDGE PALACIOS ACCEPTED THE COMPLAINT AND
ISSUED ARREST WARRANT # 04-07-890 & 04-07-891 FOR HECTOR MARTINEZ.
WHO WAS SERVED WITH THE ARREST WARRANT AND ARRAIGNED ALSO BEFORE
JUDGE PALACIOS WHO ASSESSED A TOTAL \$10,000 BOND ON HIM. HECTOR
MARTINEZ WAS LATER TRANSPORTED TO THE HIDALGO COUNTY JAIL IN LIEU
OF BOND.

NOTE: A CRIMINAL HISTORY CHECK ON HECTOR MARTINEZ REVEALS HE HAS
THE FOLLOWING:

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CHARGES CONVICTION OFFENSE
0 1 CHARGES NOT CLEAR
1 0 ARREST NOT RECEIVED

5 2 DANGEROUS DRUGS
1 0 WEAPON OFFENSES

NOTE: I INTERVIEWED MARTINEZ AFTER THE ARRAIGNMENT AND ASKED IF HE WOULD BE WILLING TO SPEAK TO ME IN REFERENCE TO THE CASE. HE SAID THAT HE WOULD. I READ HIS MIRANDA WARNING'S TO WHICH HE SAID HE UNDERSTOOD. HE SIGNED A WAIVER OF RIGHT'S AND PROVIDED A STATEMENT OF ACCUSED. ACCORDING TO MARTINEZ BETANCOURT WAS THE ONE THAT STARTED TO PUNCH HIM IN THE FACE AND ON THE HEAD. HE SAID THAT HE WAS ATTEMPTING TO DEFEND HIMSELF BY KEEPING HER AWAY WITH ARM WHILE HE STEERED HIS TRUCK WITH THE OTHER. FINALLY WHEN THEY GOT TO CANTON AND SUGAR HE ASKED HER TO GET OFF BECAUSE SHE WOULDN'T STOP HITTING HIM.

HE SAID THAT HE PULLED HER OFF HIS TRUCK AND SHE FELL TO THE GROUND AND BEGAN TO KICK AND PUNCH AT HIM. ACCORDING TO MARTINEZ HE HELD HER ARMS DOWN SO THAT SHE WOULD STOP PUNCHING AND KICKING AT HIM. SOON AFTER SHE DECIDED TO GET BACK IN THE TRUCK AND WHEN THEY ARRIVED THE POLICE HAD ALREADY ARRIVED AT HIS SISTER'S HOUSE. HE SAID THAT HE WAS ARRESTED AND THAT WHEN HE WAS PLACED IN THE POLICE CAR HE WAS KNOCKING ON THE DOOR SO THAT HE COULD GET THE OFFICERS ATTENTION BECAUSE HE DIDN'T WANT BETANCOURT TO STAY WITH HIS TRUCK. HE SAID THAT HE BROKE THE REAR PASSENGER WINDOW BY ACCIDENT BECAUSE HE KNOCKED A LITTLE TOO HARD. I DID NOT NOTICE ANY SIGNS OF INJURIES SUSTAINED BY MARTINEZ. HE DID NOT INDICATE THAT HE FELT ANY PAIN OR DISCOMFORT. ALTHOUGH HE DID SAY THAT HE WAS WILLING TO FILE CHARGES AGAINST BETANCOURT IF SHE WAS EVER FOUND RESPONSIBLE.

ON TUESDAY 7/20/04 I RECEIVED A PHONE CALL FROM SALINA BETANCOURT IN THE MORNING HOURS. SHE SAID THAT SHE HAD SOMETHING TO TELL ME THAT WAS REALLY IMPORTANT ABOUT THE CASE. SHE SAID THAT SHE WANTED TO DROP THE CHARGES AND ADMITTED TO NOT TELLING THE TRUTH ON HER STATEMENT. I ASKED HER IF SHE WOULD MEET WITH ME IN PERSON AT THE EDINBURG POLICE DEPARTMENT AND SHE AGREED.

SHE ARRIVED AT ABOUT 3:00 P.M. AND I READ HER MIRANDA WARNING'S TO WHICH SHE SAID SHE UNDERSTOOD. I OBTAINED HER STATEMENT OF ACCUSED. SHE SAID THAT SHE WAS INTENTIONALLY LEFT OUT INFORMATION ON HER STATEMENT AND THAT SHE WAS THE ONE THAT BEGAN TO HIT AND PUNCH AT HECTOR WHILE HE DROVE BECAUSE SHE BECAME JEALOUS WHEN HECTOR MENTIONED "LETTY". SHE SAID THAT WHEN SHE SAID THAT SHE WAS BEING CHOKED SHE MEANT THAT HECTOR WAS PUSHING HER CHIN BACK SO THAT HE COULD KEEP HER AWAY FROM HIM.

EXHIBIT 6

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WHEN THEY STOPPED AT CANTON AND SUGAR HECTOR ASKED HER TO GET OFF BECAUSE SHE WOULDN'T STOP. HE GOT HER OFF AND SHE FELL TO THE GROUND AND KEPT KICKING AND PUNCHING AT HECTOR. SHE EXPLAINED THAT THE WITNESS OR WITNESSES THAT SAW THIS ONLY SAW WHEN HECTOR WAS PINNING HER DOWN ON THE GROUND. SHE SAID THAT HE WAS DOING THIS TO KEEP HER FROM HITTING HIM. SHE SAID THAT SHE NO LONGER WANTED THE PROTECTIVE ORDER, WHICH WAS GRANTED BY MUNICIPAL JUDGE TORIBIO "TERRY" PALACIOS (SEE ATTACHED MOTION TO DISMISS AND AGREEMENT TO HOLD CITY HARMLESS FORM ALONG WITH STATEMENT OF ACCUSED AND AFFIDAVIT TO DROP CHARGES AGAINST HECTOR MARTINEZ).

THE MOTION TO DISMISS THE EMERGENCY PROTECTIVE ORDER WAS GRANTED. I EXPLAINED THE CONSEQUENCES OF FILING A FALSE REPORT TO A PEACE OFFICER. SHE SAID THAT THE REASON SHE CAME IN TO TELL THE TRUTH WAS BECAUSE IT WAS THE RIGHT THING TO DO.

ON FRIDAY 7/23/04 AT 3:00 P.M., A COMPLAINT WAS SIGNED AGAINST SALINA BETANCOURT FOR FALSE REPORT TO A PEACE OFFICER BEFORE EDINBURG MUNICIPAL JUDGE TORIBIO "TERRY" PALACIOS OF, EDINBURG, HIDALGO COUNTY, TEXAS. JUDGE PALACIOS ACCEPTED THE COMPLAINT AND ISSUED ARREST WARRANT # 04-07-942 FOR SALINA BETANCOURT.

I ATTEMPTED CONTACT WITH SALINA VIA TELEPHONE BUT TO NO AVAIL. I CALLED HER AT HER PLACE OF WORK AND LEFT A MESSAGE REQUESTING HER TO RETURN MY PHONE CALL BUT SHE HAS YET TO RETURN MY PHONE CALL.

I FILED A LOCAL WARRANT REQUEST FORM WITH CID SECRETARY C. TREVINO ON TUESDAY 8/3/04 AT 1:25 P.M. THIS CASE IS PENDING SALINA BETANCOURT'S WARRANT ARREST.

NARRATIVE-J.F.RUIZ #152 08-09-04
AS400 NARRATIVE FOR CASE # 200400023227 TX1080400

Created 2004/08/09 By EDPD0669 - Alma Rodriguez
Last Changed 2004/08/09 By EDPD0669 - Alma Rodriguez

ON MONDAY 07-12-04 AT ABOUT 5:10 P. M. I, OFFICER JOSE F. RUIZ #157, RESPONDED TO A CALL OF AN ASSAULT IN PROGRESS IN THE AREA OF CANTON ROAD AND SUGAR RD. I WAS ADVISED, VIA RADIO, THAT BOTH PARTIES INVOLVED WERE BY A BLUE 4 X 4 PICK UP WITH OUT OF STATE LICENSE PLATES. I WAS ADVISED THAT THE MALE SUBJECT WAS BEATING UP THE FEMALE.

AS I WAS TRAVELING WESTBOUND ON FREDDY GONZALEZ APPROACHING SUGAR ROAD, I WAS ADVISED THAT THE BLUE PICK-UP WAS GOING NORTH ON SUGAR ROAD AND HAD PASSED FREDDY GONZALEZ. AS I WENT NORTHBOUND ON SUGAR ROAD FROM FREDDY GONZALEZ, I WAS ADVISED THAT THE PICK UP TRUCK HAD TURNED EAST ONTO TANGLE WOOD SUBDIVISION. I PROCEEDED TO TURN EAST BOUND ON HUNTERS CHASE. AT 1201 HUNTERS CHASE, I OBSERVED A BLUE FORD F-350 BEARING WASHINGTON LICENSE PLATES

EXHIBIT 7

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A-97505M PARKED IN THE DRIVE WAY. OUTSIDE OF SAID VEHICLE, BLUE FORD PICK-UP, I OBSERVED A FEMALE AND MALE SUBJECT THAT APPEARED TO BE HAVING A VERBAL DISCUSSION.

I OFFICER RUIZ #152 EXITED MY PATROL CAR AND PROCEEDED TO MAKE CONTACT. I IDENTIFIED MYSELF AND ADVISED THEM OF THE REASON FOR MY PRESENCE. THE MALE SUBJECT ADVISED ME THAT I WAS IN PRIVATE PROPERTY AND IT WAS NONE OF MY BUSINESS. I OBSERVED THAT THE FEMALE WAS CRYING AND THAT SHE HAD MUD ON HER PANTS. SHE ALSO HAD MUD ON THE RIGHT SIDE OF HER BACK. THE MALE REFUSED TO TALK TO ME AND PROCEEDED TO WALK TOWARD THE FRONT DOOR OF THE RESIDENCE. THE FEMALE ADVISED ME THAT IT WAS NOT THEIR HOUSE AND THAT HE DID NOT HAVE ANY KEYS TO GET INSIDE. SHE STATED THAT THE HOUSE BELONGS TO HIS SISTER. THE FEMALE IDENTIFIED HER SELF AS SALINA BETANCOURT 02-05-77. SHE STATED THAT THE MALE WAS HER HUSBAND, HECTOR MARTINEZ 10-09-69.

SALINA BETANCOURT STATED THAT THEY HAD BEEN EATING AT CHILI'S IN MCALLEN AND WERE ON THEIR WAY TO VISIT HER SISTER IN LAW, WHO LIVES AT LOCATION (1201 HUNTERS CHASE). SHE STATED THAT ALONG THE WAY THEY STARTED ARGUING. SHE STATED THAT THE ARGUMENT WAS GETTING WORSE AND HE PULLED OFF THE ROADWAY ON CANTON ROAD BEFORE GETTING TO SUGAR ROAD. SHE STATED THAT THEY WERE GOING WESTBOUND ON CANTON ROAD FROM BUSINESS 281.

SALINA STATED THAT AS HE PULLED OFF THE ROADWAY AND PARKED THE TRUCK HE GRABBED HER BY THE FACE, WITH HIS RIGHT HAND. SHE STATES THAT HE THEN REACHED ACROSS AND WITH HIS LEFT HAND OPENED THE PASSENGER'S SIDE DOOR OF THE TRUCK. WHEN THE DOOR OPENED SHE STATES THAT HE PUSHED HER OUT COUSING HER TO FALL IN THE MUD. SHE STATES THAT SHE WAS TRYING TO GET UP WHEN HE CAME AROUND THE TRUCK WHERE SHE WAS AT, SHE STATED THAT HE THEN GRABBED HER BY THE NECK AND PICKED HER UP.

SHE STATED THAT HE THEN GRABBED HER BY THE NECK AND PICKED HER UP. SHE STATES THAT AFTER PICKING HER UP BY THE NECK, HE THREW HER BACK ON THE FLOOR. SALINA STATES THAT SHE TRIED TO GET UP BUT HE GOT DOWN ON PINNED HER ON THE FLOOR. SHE STATED THAT PUSHED HIM AND PUNCHED HIM SEVERAL TIMES TO GET AWAY BUT HE ONLY GOT MADDER. SHE STATED THAT HE THEN AGAIN PICKED HER UP BY THE NECK AND PUSHED HER AGAINST THE TRUCK. SHE STATED THAT HE THEN TOLD HER TO GET BACK IN THE TRUCK AND SHE GOT INTO THE PASSENGER SEAT. SHE STATED THAT AFTER SHE GOT IN THE TRUCK HE TURNED NORTH ON SUGAR ROAD AND THE EAST ON HUNTERS CHASE TO HER SISTER IN LAW'S HOUSE. SHE STATED THAT WHEN THEY GOT THESE HE TOLD HER TO GET DOWN OR HE WAS GOING TO GET HER DOWN. SHE STATED THAT SHE DID NOT GO TO GET OFF THE TRUCK BECAUSE HER CLOTHES WERE ALL MUDDY. SHE STATED THAT SINCE SHE WAS REFUSING TO GET DOWN, HE AGAIN GRABBED HER BY THE NECK, WITH BOTH HANDS AND PULLED HER OUT.

EXHIBIT 8



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SHE STATED THAT AFTER SHE WAS PULLED OUT HE WAS GOING TO CONTINUE ARGUING BUT THE POLICE ARRIVED. SHE STATED THAT SHE DID WISH TO FILE CHARGES AND THAT SHE WAS VERY AFRAID BECAUSE OF HIS VIOLENT TEMPER. SHE STATED THAT SHE WAS IN PAIN BUT WOULD BE O.K. SHE REFUSED ANY MEDICAL ATTENTION.

OFFICER H. BELTRAN #162 AND R. HERNANDEZ #122 HAD ARRIVED AT MY LOCATION AS BACK OFFICERS. I ADVISED THEM THAT HECTOR MARTINEZ WAS GOING TO BE PLACED UNDER ARREST FOR ASSAULT FAMILY VIOLENCE.

HECTOR MARTINEZ WAS ARRESTED AND PLACED IN THE BACK OF EDINBURG POLICE UNIT A-133 FOR TRANSPORT. AFTER BEING PLACE IN THE UNIT HE PROCEEDED TO BREAK THE DRIVER'S SIDE BACK DOOR WINDOW BY KICKING IT OUT. HE WAS ADVISED THAT HE WAS GOING TO ALSO BE CHARGED WITH CRIMINAL MISCHIEF TO CITY PROPERTY. HE ADVISED THAT HE DID NOT GIVE A FUCK OF WHAT HE WAS CHARGED WITH. HE WAS TRANSPORTED IN OFFICER R. HERNANDEZ #122 PATROL UNIT.

I OBSERVED THAT SALINA BETANCOURT HAD SMALL RED MARKS ON THE LEFT SIDE OF HER NECK. SHE ALSO HAD HER BLOUSE RIP FROM HER RIGHT ARM PIT AREA. SHE HAD MUD ON HER JEANS, BOOTS AND BLOUSE. SGT. C. DUFNER WAS CALLED TO LOCATION AND HE PROCEEDED TO TAKE SEVERAL PICTURES OF SALINA. SHE WAS ADVISED OF THE PROPER COMPLAINT PROCEDURES AND WAS PROVIDED A CASE NUMBER. SHE STATED THAT SHE WOULD CONTACT THE EDINBURG POLICE DEPT. FIRST THING TOMORROW TO FILE CHARGES AND REQUEST A PROTECTIVE ORDER.

I OFFICER RUIZ #152 THEN CONTACTED, MARIA RIOS GONZALEZ 12-08-54 AT THE EDINBURG POLICE DEPARTMENT. SHE ADVISED THAT SHE WAS A WITNESS AND THAT SHE WAS THE ONE FOLLOWING THE BLUE FORD PICK UP 4X4. SHE STATED THAT SHE WAS TRAVELING EASTBOUND ON CANTON ROAD PAST SUGAR ROAD WHEN SHE SAW A BLUE FORD PICK-UP PARKED ON THE NORTH SIDE OF THE ROADWAY, FACING WESTBOUND SHE STATED THAT OUTSIDE OF THE TRUCK THERE A MAN AND THE MALE FIGHTING SHE STATED THAT THE FEMALE WAS ON THE GROUND AND THE MALE SUBJECT WAS PUNCHING HER. SHE STATED THAT THE FEMALE WAS TRYING TO FIGHT BACK AND TRYING TO BLOCK THE BLOWS. SHE STATED THAT THE FEMALE WAS WEARING A RED BLOUSE, WHICH IS WHAT SALINA BETANCOURT (A RED TOMMY SHIRT) WAS WEARING. SHE STATED THAT THE MAN BOLDING DOWN THE WOMEN WITH HIS FEET AS SHE WAS TRYING TO GET UP. SHE STATED THAT SHE THEN CALLED THE POLICE TO REPORT WHAT WAS GOING ON. SHE STATED THAT SHE FOLLOWED THE TRUCK AT A DISTANCE AS SHE CONTINUED TO LET THE POLICE KNOW WHAT WAS GOING ON. SHE STATED THAT SHE LOST THE TRUCK BECAUSE SHE GOT A RED LIGHT AT FREDDY GONZALEZ AND SUGAR ROAD BUT SHE NOTICED THAT IT TURNED RIGHT INTO A SUBDIVISION. SHE STATED THAT SHE LOOKED INTO TANGLE WOOD SUBDIVISION AND NOTICED THAT THE TRUCK WAS ALREADY PARKED A HOUSE. SHE ALSO STATED THAT SHE SAW THAT A POLICE CAR WAS ALREADY THERE AND PROCEEDED TO LEAVE THE AREA, A WITNESS STATEMENT WAS PROVIDED BY THE WITNESS AND SHE ADVISED THAT SHE WOULD COOPERATE IF SHE WAS

EXHIBIT 9

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NEEDED.

JFR/AR

EXHIBIT 10

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[REDACTED]

The State of Texas vs Hector Olivarez Martinez

Lead Attorney: LONGORIA, NORA L
Appointed: 09/16/2004

Status: Disposed
Filed: 09/16/2004
Type: Adult Misdemeanor
Court Unit: County Court at Law #2
Judicial Officer: Palacios, Jaime J.
Financial Balance: 428.00

Charges			Dispositions
1. CRIMINAL MISCHIEF >=\$50 <\$500 TRN 9040252994 TRS A002 ACN 249755	(MB)	07/12/2004	Disposition Convicted

Most Recent Events & Hearings

Case Summary

11/14/2006	Request <u>US PROBATION</u>	
05/11/2006	Fees Past Due <u>FINAL NOTICE A.S./F.Z.-FINAL NOTICE GIVEN TO F.Z. TO SERVE DEF. A.</u>	
03/05/2005	AFEC	
02/09/2005	Fees Past Due <u>NO SHOW AT COLLECTIONS.2/10/05 SEND NOTICE FOR PYMT ARR. NEE</u>	
02/08/2005	Sentenced - Local Jail (Judicial Officer: Palacios, Jaime J.) Defendant MARTINEZ, HECTOR OLIVAREZ	
02/08/2005	Disposition (Judicial Officer: Palacios, Jaime J.) <u>Conf. Type: JAIL (Hidalgo County Jail) Conf. Length: 30Days CSCD Time:</u> Defendant MARTINEZ, HECTOR OLIVAREZ	
02/08/2005	Offense Report	
02/08/2005	Judgment	
02/08/2005	Waiver of Pre-Sentence Investigation <u>View more events</u> <u>View more hearings</u>	

statistical closure

02/08/2005 Guilty Plea or Nolo
Contendere (OCA)

defendant demographics

DOB 10/09/1969 White Male
DL TX-04296755 5'9" 240 lbs
SSN ~~REDACTED~~ 7190 Hair Black
SID TX-3814094 Eyes Brown

case cross reference

Ableterm
263558
DA Control Number
04-13003

flags & actions due

Probation Expired

EXHIBIT 11

MINUTES OF THE COUNTY COURT AT LAW NO. TWO

OF HIDALGO COUNTY, TEXAS AT THE JANUARY TERM, 2005

COMMUNITY SUPERVISION JUDGMENT

THE STATE OF TEXAS

VS.

Hector Martinez

The Defendant having been charged by information in the above entitled and numbered cause with the Misdemeanor offense of Criminal mischief and this cause being this day called for trial, the State appeared by her Criminal District Attorney.

The Defendant appeared in person and with his/her attorney. If the Defendant did not appear with counsel, the Defendant appeared in person, and knowingly, intelligently and voluntarily waived the right to representation by counsel. Both parties announced ready for trial.

The Defendant, in person and in writing, in open court, having waived the right of trial by jury, such waiver being with the consent and approval of the Court and now entered of record on the minutes of the Court, and such waiver being with the consent and approval of the District Attorney in writing and filed in the papers of this cause, was arraigned and in open Court, pleaded GUILTY to the charge contained in the information. Thereupon the Defendant was admonished by the Court of the consequences of said plea, including the range of punishment for the offense and that no punishment recommendation by the prosecuting attorney is binding on the Court. The Court inquired into the existence of a plea bargain agreement and then informed the Defendant whether it would reject or accept the plea bargain agreement. The Defendant persisted in entering the said plea and it appearing to the Court that the Defendant is mentally competent and that the plea is free and voluntary, accepted the said plea which is here entered of record upon the minutes. The said plea of the Defendant was received and entered of record upon the minutes. The Court having heard the information read, the Defendant's plea thereto, the evidence submitted, and the argument of counsel thereon, found the defendant guilty of the offense as charged in the information, which offense was committed by the Defendant on the July 12, 2004 said offense being a Misdemeanor.

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED by the Court that the Defendant is guilty of the offense as charged in the information said offense being a misdemeanor, and that(s)he be punished by confinement in the Hidalgo County Jail for 30 days and a fine of \$150.00, and that the State of Texas do have and recover of the Defendant all costs of the prosecution, for which execution will issue.

HOWEVER, THE COURT after due consideration is of the opinion, and so finds, that the Defendant is eligible for community supervision under the provisions of Article 42.12, Vernon's Texas Code of Criminal Procedure, and is further of the opinion, and so finds, that the ends of justice and the best interests of both the public and the Defendant will be served if the imposition of the sentence in this cause be suspended and the Defendant be placed on community supervision.

IT IS ORDERED by the Court that the imposition of the sentence in this cause be and is hereby suspended during the good behavior of the Defendant, and that the Defendant be and is hereby placed on community supervision for a period of 80 days beginning on this date under the supervision of the Court, subject to the following conditions of probation

That during the term of the Community Supervision the defendant shall:

1. Commit no offense against the laws of this State or of any other State or of the United States;
2. Avoid injurious or vicious habits;
3. Avoid persons or places of disreputable or harmful character;
4. Report monthly in person to the Supervision Officer beginning immediately and continue thereafter as directed by the Supervision Officer;
5. Permit the Supervision Officer to visit him at his home or elsewhere;
6. Work faithfully at suitable employment as far as possible and report any change in employment to his Community Supervision Officer;
7. Remain within a specified place, to-wit: Hidalgo County, Texas and before any change of residence, promptly notify the Court;
8. Pay FINE to the County, of Hidalgo due on or before 90 days from the date of this order and every month thereafter until paid in full: payable at the Hidalgo County Collections Department, 100 N. Closner Edinburg, Texas.
- 8a. Pay COURT COSTS INSTANTER, said payment to be made through the Hidalgo County, collections Department, Edinburg, Texas;
- 8b. Pay a COMMUNITY SUPERVISION FEE in the amount of \$40.00, due on or before 30 days from the date of this order and every month thereafter until paid in full: to the Hidalgo County Community Supervision and Corrections Department, 918 East Business Hwy 83, Mcallen, Hidalgo County, Texas;
9. Support any dependents

Date: DEC 21 2010
 I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office.



EXHIBIT 12

10. reserved for future use

11. The defendant shall attend and successfully complete a 12 hour Alcohol education program which is certified by the Texas Commission on Alcohol The defendant shall pay for the cost of the classes on the _____ directly to the sponsoring agency, complete said classes within 180 days of this Judgment, and submit a copy of the certificate of completion to the Hidalgo County CSCD.

12. Perform 40 hours of COMMUNITY SERVICE at _____, at the rate of _____ hours per week as directed by the community supervision department. If defendant is hereby ordered to perform more than 16 hours per week of COMMUNITY SERVICE, the court hereby finds that requiring the defendant to work more than 16 hours does not work a hardship on the defendant or the defendant's dependents.

12a. Community Service is waived because:

- a. The defendant is physically and mentally incapable of participating in the project;
- b. Participating in the project will work a hardship on the defendant or the defendant's dependents;
- c. The defendant is to be confined in a substance abuse punishment facility as a condition of community supervision; or
- d. There is other good cause shown to-wit:

13. The defendant shall attend and successfully complete a 30 hour DWI Intervention Program which is certified by the Texas Commission on Alcohol and Drug Abuse and approved by the Hidalgo County Board of Judges. The defendant shall pay for the cost of the classes _____. Directly to the sponsoring agency, complete said classes within 180 days of this Judgment, and submit a copy of the certificate of completion to the Hidalgo County CSCD.

14. Pay RESTITUTION in the amount of \$ 108.60 payable in equal monthly payments, the 1st payment due on or before 30 days from the date of this order and every month thereafter until paid in full: CITY OF McALLEN, payable to the Hidalgo County Community Supervision and Corrections Department, 918 East Business Hwy 83, Mcallen, Hidalgo County, Texas.

15. Pay COURT APPOINTED ATTORNEY FEES in the amount of \$ _____.00 payable at the rate of \$ _____ per month commencing on _____, 20_____, and a like payment to be paid on or before the 5TH day of each succeeding month until paid in full, said payments to be made to the Hidalgo County Clerks Department Edinburg, Texas;

16. reserved for future use

17. The Court orders the defendant to participate fully in the Hidalgo County Community Supervision and Corrections Department Electronic Monitoring Program for a maximum period of ninety (90) days beginning _____, and faithfully follow all guidelines and instructions until successfully discharged or until further order of the Court.

18. Pay to Crime Stoppers the amount of \$ _____.00 payable on or before _____. Said amount to be paid through Hidalgo County Community Supervision and Corrections Department, 918 East Business Hwy 83 McAllen, Hidalgo County, Texas and distributed to Crime Stoppers Programs (as defined by Section 414.001(2), Government Code, and as certified by the Crime Stoppers Advisory Council).

19. That the defendant to be remanded to the custody of the Hidalgo County Sheriff's Department for _____ days. As a condition of community supervision and correction department.

20. The defendant shall attend and successfully complete a 15 hour drug Education Program which is certified by the Texas commission on Alcohol and Drug Abuse and approved by the Hidalgo County Board of Judges The defendant shall pay for the cost of the classes _____ directly to the sponsoring agency, complete said classes within 180 days of this Judgment, and submit a copy of the certificate of completion to the Hidalgo County CSCD.

21. It is further Ordered that the Texas Driver's License to operate a motor vehicle in the State is hereby suspended for _____ days; commencing INSTANTER.

22. Have a DEVICE INSTALLED on the vehicle owned by the Defendant, or on the vehicle most regularly driven by the Defendant, that uses a DEEP-LUNG BREATH ANALYSIS MECHANISM to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator; and not operate any motor vehicle unless the vehicle is equipped with the device; and obtain the device at Defendant's own cost before the 30th day after the date of conviction; and provide evidence to the Court within the 30-day period that the device has been installed on the appropriate vehicle; and that the device remain installed on the vehicle for a period of _____.

23.

24. DEFENDANT IS TO HAVE RANDOM URINE TESTING COMMENCING _____.

25. DEFENDANT TO BE REMANDED TO PRISON FOR A DAY PROGRAM COMMENCING _____.

26. DEFENDANT TO HAVE ELECTRONIC MONTORING DEVICE INSTALLED AND PAID COSTS, COMMENCING _____.

27. DEFENDANT SHALL HAVE CURFEW STARTING AT 9:00 PM - 6:00AM COMMENCING _____.

28. MADD IMPACT PANEL _____.

The Clerk of this Court will furnish the Defendant a certified copy of this Order and shall note on the docket sheet the date of delivery of such Order. If blanks left in any condition, the condition does not apply. County Clerks office shall notify INSTANTER the hidalgo County Sheriff's Department to recall any Warrants or Capias, judgment Nisi on the above entitled and numbered cause.

SIGNED ON THIS 8TH DAY OF FEBRUARY, 2005.

Jaime J. Palacios, Judge
 COMMUNITY SUPERVISION EXPIRES 20,
 FINE PAYABLE 12992
 Supervision Officer Arturo Guajardo
 Date: DEC 21 2016
 I, Arturo Guajardo, Jr. County Clerk do
 hereby certify that this is a true and
 correct copy of the original document
 filed in my office.

THUMB

EXHIBIT 13

80.	05/01/03 (Age 33)	Unlawful possession of a firearm by felon; 93 rd District Court of Hidalgo Co., Edinburg, TX; Case No. CR-3899-03-B.	<u>03/25/04:</u> P/G, adjudication deferred & sent. to 2 yrs. probation; <u>07/26/04:</u> Motion to Revoke probation filed, warrant issued & pending.	4A1.1(c)	1
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The defendant was represented by counsel. According to the offense report prepared by the Mission, Texas, Police Department, on May 1, 2003, an officer effected a traffic stop on the defendant's vehicle for driving 72 in a 50 mile per hour speed zone. The defendant provided a driver's license, but was unable to provide proof of insurance. The defendant was asked to exit the vehicle and if he had any prior arrests. The defendant initially replied that he had no prior arrests, but then admitted that he had one prior drug arrest. The officer issued the defendant a citation for speeding and requested to search the defendant's vehicle. The defendant consented to the search then informed the officer that there was a gun in the vehicle. The search revealed a loaded 9mm Beretta underneath the driver's seat. As such, the defendant was arrested and charged as stated above. On July 26, 2004, a Motion to Revoke probation was filed and a warrant was issued. According to the Hidalgo County Community Supervision and Corrections Department, the warrant remains active.

81.	07/12/04 (Age 34)	Criminal mischief; Hidalgo Co. Court at Law #2, Edinburg, TX; Case No. CR-04-10310-B.	<u>02/08/05:</u> P/G, sent. to 30 days custody, ISS for 6 mos. probation.	4A1.1(c)	1
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The defendant waived attorney representation. According to the offense report prepared by the Edinburg, Texas, Police Department, on July 12, 2004, the victim, Selena Betancourt, reported that she and the defendant were leaving Chili's restaurant in McAllen, Texas, and began arguing in the vehicle. The defendant grabbed the victim's neck and began to choke her as he drove the truck. He then pulled the vehicle over and proceeded to push the victim out of the truck. She fell out of the truck and into some mud. When she was trying to get up, the defendant went around the truck to where she was and picked her up by her neck. The defendant then threw the victim back on the ground. A witness observed the defendant punch the victim several times on the face and head. The defendant then told the victim to get back in the truck and they drove to the defendant's sister's house, where the police were waiting. The officer noted that the victim had a bruise on her arm and several finger nail marks on her throat. The defendant was arrested for assault and placed in the patrol vehicle.

EXHIBIT 14

At that point, the defendant kicked out the passenger window of the patrol unit and was thus also charged with criminal mischief.

The next day, the victim called the investigating police officer and reported that she wished to drop the charges against the defendant. She claimed that she was the person who attacked the defendant and he was only trying to defend himself against her punches by holding her down. As such, the charge of assault was not pursued against the defendant.

PART B. DEFENDANT'S CRIMINAL HISTORYCriminal History Computation

82. The criminal convictions above result in a subtotal criminal history score of 11.
83. At the time the instant offense was committed, the defendant was on parole in Criminal Case Numbers CR-278-88-B, CR-272-88-B and CR-1220-92-B. Pursuant to U.S.S.G. § 4A1.1(d), two points are added.
84. The instant offense was committed less than two years following the defendant's release from custody on July 1, 1996, for the sentence of in Criminal Case Numbers CR-278-88-B, CR-272-88-B and CR-1220-92-B. Pursuant to U.S.S.G. § 4A1.1(e), one point is added.
85. The total of the criminal history points is 14. According to the sentencing table at U.S.S.G. Chapter 5, Part A, 13 or more criminal history points establish a criminal history category of VI.

PART C. OFFENDER CHARACTERISTICSPersonal and Family Data

86. The defendant was born on October 9, 1969. He is the fifth of seven children born to Elias Martinez (deceased) and Yolanda (Olivarez) Martinez. His parents divorced when the defendant was 14 years old. His mother resides in Edinburg, Texas, with two of the defendant's sisters. His siblings are identified as Noelia Castillo of San Carlos, Texas; Marivel Hendricks of McAllen, Texas; Dalia Rodriguez and Noemi Guerra of Edinburg, Texas; Sandy Martinez of Palms Springs, California; and Barbie Martinez of Edinburg, Texas. The defendant was reared in Edinburg and described a close relationship with his mother and siblings.
87. In 1993, the defendant married Gina (Chavez) Martinez of Edinburg, Texas. This union produced two children, Sabrina Elisa, age 13 and Hector Jr., age 6. The defendant advised